

REMARKS

First, as a preliminary matter, Applicant thanks the Examiner for restarting the time period for responding to outstanding Office Action, to start from November 29, 2004 and withdrawing the finality of the Office Action.

In summary, claims 1-30 are all the claims pending in the application. Applicant thanks the Examiner for indicating that claims 8 and 20 contain allowable subject matter, and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With respect to the claim rejections, the Examiner maintains many of the rejections set forth in the previous Office Action, except the Examiner adds a few new rejections and arguments in the present Office Action. Specifically, claims 1-4, 11-16, 23, and 24 remain rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Deschuytere et al. (U.S. Patent No.: 6,160,643).¹ New claims 25, 26, 28, and 29, which were added in the previous Amendment dated April 19, 2004, are also rejected over Deschuytere under 35 U.S.C. § 102(e). Claims 5 and 17 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Deschuytere as applied to claims 1, 3, 4, 13, 15, and 16, and further in view of Shimizu et al. (U.S. Patent No.: 5,489,989). Claims 6 and 18 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Deschuytere as applied to claims 1 and 13, and further in view of Suhr et al. (U.S. Patent No.: 6,466,337). Claims 7 and 19 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Deschuytere as applied to claims 1 and 13, and

¹ Applicant notes that claims 8 and 20 are incorrectly indicated as being rejected on page 4 of the November 29th Office Action.

further in view of Koretsune et al. (U.S. Patent No.: 6,501,087). Claims 9 and 21 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Deschuytere as applied to claims 1 and 13, and further in view of *new* applied reference Loushin et al. (U.S. Patent No.: 6,462,835). Claims 10 and 22 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Deschuytere as applied to claims 1 and 13, and further in view of Brandestini et al. (U.S. Patent No.: 6,044,180). Claim 27, which was added in the previous amendment, is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Deschuytere as applied to claim 1, and further in view of Edgar (U.S. Patent No. 5,266,805). Finally, claim 30, which was added in the previous Amendment, is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Deschuytere as applied to claim 1, and further in view of Yamakawa (U.S. Patent No. 5,892,595).

§102(e) Rejections (Deschuytere) - Claims 1-4, 11-16, 23-26, 28 and 29

The Examiner rejects claims 1-4, 11-16, 23-26, 28 and 29 over Deschuytere for the reasons set forth on pages 3-6 of the Office Action, and as set forth in the *Response to Arguments* section of the Office Action.

With respect to independent claim 1, the Examiner maintains the same arguments set forth in the previous Office Action dated December 18, 2003, and the Examiner adds, in the *Response to Arguments* section, the following new arguments:

Applicant's arguments filed 4/19/04 have been fully considered but they are not persuasive. Applicant argues that the primary reference, Deschuytere et al (U.S. Patent No, 6,160,643), does not disclose correcting for reading discrepancies in the reading device by applying data correction values to the electronic information

corresponding to each area as cited in claims 1 and 13. The Examiner respectfully disagrees. Deschuytere discloses a system wherein the gain and voltage are adjustable based on the bits per pixel of the system, and the density range of the scanner to be scanned (col. 9, lines 9-19). The system, which generates eight bits, a pixel (compared to a twelve bit per pixel system) is able to adjust the gain and voltage to compensate for the reading discrepancies of an eight-bit-system (col. 9, lines 19-22; col. 9, line 50 - col. 10, line 35).

In response, Applicant maintains the same argument set forth on page 9 of the previous Amendment dated April 19, 2004. That is, Applicant maintains, with respect to claim 1, that Deschuytere does not teach or suggest at least “corrects for reading discrepancies in the reading device by applying data correction values to the electronic information corresponding to each area,” as recited in claim 1. The portion of Deschuytere cited by the Examiner only discusses a portion of the process of acquiring an image for display as digital signals, but col. 9, lines 11-22 (cited by the Examiner) do not relate specifically to correcting for reading discrepancies in the reading device by applying data correction values to the electronic information corresponding to each area, as described in claim 1. The cited portion relates to representation of an image by different levels. There is no indication of correction based on discrepancies. Therefore, at least based on the foregoing, Applicant maintains that independent claim 1 is patentably distinguishable over Deschuytere.

Further, as the Examiner alleges in the block paragraph above, Deschuytere only teaches that gain and voltage are adjusted to compensate for reading discrepancies between different systems related to different number of bits. Nowhere, however, does Deschuytere teach or suggest at least the quoted limitation of claim 1 in the paragraph above.

Additionally, Applicant maintains that Deschuytere fails to teach an area comprising plural pixels and correction on an area basis. The cited portion of Deschuytere merely teaches division of signals into quantitative levels.

Applicant maintains that independent claim 13 is patentable for reasons similar to those set forth above for claim 1, as claim 13 recites limitations similar to those set forth in claim 1. Further, with respect to claim 13, in the present Office Action, the Examiner alleges that “Deschuytere discloses an image reading device wherein a predetermined reference film is scanned and a transformation matrix representative of the reference film is obtained (col. 20, lines 4-45).” *See last sentence of numbered paragraph one (1) on page 2 of the present Office Action.*

In response, Applicant submits that, even if, *assuming arguendo*, Deschuytere teaches an image reading device wherein a predetermined reference film is scanned, Deschuytere does not teach or suggest at least, “(b) using the image reading device to read the predetermined image and product electronic information representing the predetermined image,” as recited in claim 13. That is, the portion of Deschuytere cited by the Examiner only describes that for each combination of specific film type and scanner, a determination of the generic system curves and determination of the transformation matrix have to be made; however, this particular portion of Deschuytere does not relate to using an image device to read a predetermined image. Therefore, at least based on the foregoing, Applicant submits that independent claim 13 is patentably distinguishable over Deschuytere.

With respect to dependent claims 2-4, 11, 12, 14-16, 23-26, 28 and 29, Applicant submits that these claims are patentable at least by virtue of their respective dependencies from independent claims 1 and 13.

Further, with respect to dependent claims 2 and 14, in the *Response to Arguments* section of the present Office Action, the Examiner alleges, “Deschuytere discloses a characteristic curve of a reference film of the same type by matching the densities at fog level of the reference film and the film to be digitized (col. 20, lines 20-28).” That is, the Examiner simply reiterates what Applicant already acknowledges that Deschuytere discloses. However, Applicant maintains that the above-discussed aspect of Deschuytere does not satisfy at least that “the predetermined image of the type corresponding or similar to the original has a spectral absorption characteristic approximate to that of the original,” as recited in claims 2 and 14.

Further, with respect to dependent claims 25 and 26, the Examiner alleges, on page 6 of the present Office Action, “Deschuytere discloses wherein the light source is only located on a side of the original opposite to the other side of the original facing the reading device (36, Fig. 1; col. 8, lines 26-46)”. In response, Applicant submits that Deschuytere does not disclose the location of the light source, therefore, the Examiner cannot properly assert that the features of claims 25 and 26 are satisfied by Deschuytere. *See col. 8, lines 28-29 of Deschuytere, in which it is indicated that the illuminant is not shown.*

§ 103(a) Rejections (Deschuytere / Shimizu) - Claims 5 and 17

Applicant submits that dependent claims 5 and 17 are patentable at least by virtue of their respective dependencies from independent claims 1 and 13. Shimizu does not make up for the deficiencies of Deschuytere.

§ 103(a) Rejections (Deschuytere / Suhr) - Claims 6 and 18

Applicant submits that dependent claims 6 and 18 are patentable at least by virtue of their respective dependencies from independent claims 1 and 13. Suhr does not make up for the deficiencies of Deschuytere.

§ 103(a) Rejections (Deschuytere / Koretsune) - Claims 7 and 19

In the previous Amendment dated April 19, 2004, Applicant perfected priority under 35 U.S.C. § 119, and requested removal of Koretsune as a prior art reference. Koretsune has a filing date of April 14, 2000, which is after the filing date of JP 11-343565 (December 2, 1999), from which the present application claims benefit of priority. To perfect priority, Applicant previously submitted a verified English language translation of priority document JP 11-343565 on April 19, 2004, and a statement that the translation is accurate. Therefore, at least based on the foregoing, Applicant again requests that the Examiner withdraw the rejections of claims 7 and 19 over Deschuytere and Koretsune.

In any event, Applicant maintains that dependent claims 7 and 19 are patentable at least by virtue of their respective dependencies from independent claims 1 and 13. Koretsune does not make up for the deficiencies of Deschuytere.

§ 103(a) Rejections (Deschuytere / Loushin) - Claims 9 and 21

Claims 9 and 21 are rejected for the reasons set forth on pages 6 and 7 of the Office Action. In response, Applicant submits that dependent claims 9 and 21 are patentable at least by virtue of their respective dependencies from independent claims 1 and 13. Loushin does not make up for the deficiencies of Deschuytere.

§ 103(a) Rejections (Deschuytere / Brandestini) - Claims 10 and 22

In the previous Amendment, it was pointed out that Nishimura is assigned to Fuji Photo Film Co., Ltd., and only qualifies as a reference as § 102(e) art. Therefore, under § 103(c), Nishimura can not be applied as a § 103(a) reference. Therefore, Applicant again respectfully requests that this § 103 rejection be withdrawn.

Applicant also submits that dependent claims 10 and 22 are patentable at least by virtue of their respective dependencies from independent claims 1 and 13. Brandestini does not make up for the deficiencies of Deschuytere.

§ 103(a) Rejections (Deschuytere / Edgar) - Claim 27

Applicant submits that dependent claim 27 is patentable at least by virtue of its dependency from independent claim 1. Edgar does not make up for the deficiencies of Deschuytere.

§ 103(a) Rejections (Deschuytere / Yamakawa) - Claim 30

Applicant submits that dependent claim 30 is patentable at least by virtue of its dependency from independent claim 1. Yamakawa does not make up for the deficiencies of Deschuytere.

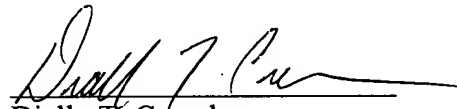
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.111
U. S. Application No. 09/728,930

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Respectfully submitted,



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